

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WILLIE E. HARPER, JR.,

Plaintiff,

Case No. 19-CV-11106

vs.

HON. GEORGE CARAM STEEH

DAVID ARKESTEYN, ADRIANE
FOSTER, BRENDA STEVENSON,
KELECHI EGBUCHULAM, BRIAN
SHIPMAN, MELISSA JENNINGS,
JEROME WARFIELD, ANTHONY
KING, AND SUE BROWN-WARD,

Defendants.

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ORDER ACCEPTING MAGISTRATE JUDGE'S REPORTS
AND RECOMMENDATIONS (ECF NOS. 58, 84 AND 86)

Plaintiff Willie E. Harper, Jr., (“Harper”), an incarcerated person, brings this action pursuant to 42 U.S.C. § 1983. Harper alleges that after he began serving a prison sentence on a non-sex crime conviction, he was improperly classified as a sex offender and was required to complete sex offender programming to be eligible for parole, in violation of his rights under the Fifth and Fourteenth Amendments to the United States Constitution. More specifically, Harper claims he was entitled to an administrative hearing regarding his classification, but was never given one, in violation of

his procedural and substantive due process rights. He also claims that requiring him to take sex offender programing without first providing him an administrative hearing violates his Fifth Amendment rights against self-incrimination because his eligibility for parole is conditioned on his admitting to prior alleged criminal conduct for which he has not been convicted. The defendants – David Arkesteyn, Adriane Foster, Brenda Stevenson, and Kelechi Egbuchulam – are all Michigan Department of Corrections (“MDOC”) employees who Harper contends were involved, in one way or another, with his improper classification.

Pretrial matters were referred to the magistrate judge pursuant to 28 U.S.C. § 636(b), including defendants’ motion to transfer venue, or, in the alternative, to sever (ECF No. 44); defendant Egbuchulam’s motion for summary judgment (ECF No. 57); defendants’ motion to dismiss (ECF No. 66) and plaintiff’s motion for preliminary injunction (ECF No. 73). The magistrate judge issued a report and recommendation (“R&R”) on each of the listed motions, recommending that each motion be denied (ECF Nos 58, 84 and 86). No timely objections were filed to any of the R&Rs.

This Court agrees with and adopts the analysis conducted and recommendations made by the Magistrate Judge. Now, therefore, for the reasons stated by the Magistrate Judge, the R&Rs are adopted as orders

of the court.

IT IS HEREBY ORDERED that the R&Rs (ECF Nos. 58, 84 and 86) are accepted by the Court.

IT IS HEREBY FURTHER ORDERED that defendants' motion to transfer venue, or, in the alternative, to sever (ECF No. 44) is DENIED.

IT IS HEREBY FURTHER ORDERED that defendant Egbuchulam's motion for summary judgment (ECF No. 57) is DENIED.

IT IS HEREBY FURTHER ORDERED that defendants' motion to dismiss (ECF No. 66) is DENIED.

IT IS HEREBY FURTHER ORDERED that plaintiff's motion for preliminary injunction (ECF No. 73) is DENIED.

Dated: February 24, 2022

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE